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EXAMINER

SHERKAT, AREZOO

ART UNIT PAPER NUMBER

2131

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,764

Applicant(s)

ESKANDARIAN, RAFFIE

Examiner

Arezoo Sherkat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This office action is responsive to Applicant's amendment received on 9/18/2006.
Claims 1-17 remain pending.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection for at least claims 12-17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Smithies et al., (U.S. Patent No. 6,064,751 and Smithies hereinafter).

Regarding claim 9, Smithies discloses a method for receiving and processing user indicia of authorization on a computer network having a user computer, wherein the user computer includes an input device, a display device and a pointer that defines locations on the display device (i.e., a combination of a pen/digitizer and display 8 - col. 7, lines 41-60 -- wherein it is inherent that with the pen/digitizer combined with the display 8 there has to be a pointer that defines the locations on the display device to

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capture and analyze such data), wherein the input device includes an entry member and is configured to move the pointer in a continuous path on the display device (col. 4, lines 30-41), comprising:

placing the pointer (i.e., pen-based hardware) within the data receiving region via the input device, depressing the entry member on the input device, moving the pointer within the data receiving region via the input device to create user indicia of authorization within the data receiving region (i.e., moving the pen or stylus across the screen)(col. 4, lines 30-41);

applying a fitting algorithm to the user indicia (col. 7, lines 44-60);

compressing the user indicia, and converting the compressed user indicia to a digital bitmap image (col. 13, lines 44-50), and

assigning a unique code to the user indicia, and storing the user indicia in a database (col. 14, lines 13-42).

presenting a user an HTML page containing an applet (i.e., client programs making use of the services of Smithies' modules – page 5, lines 54-65), wherein the applet configures an input pad (i.e., pen/digitizer display) having a data-receiving region on the display device (i.e., a form or window 20 (similar to that shown in Fig. 3) is shown on the computer screen and the gravity prompt 22 is displayed by the signature capture module 4)(col. 10, lines 10-67 and col. 11, lines 1-20).

Regarding claim 10, Smithies discloses a method as claimed in claim 9, further comprising recording field information associated with the user indicia (col. 15, lines 1-10).

Regarding claim 11, Smithies discloses a method as claimed in claim 9, further comprising retrieving the stored user indicia (col. 11, lines 43-64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithies et al., (U.S. Patent No. 6,064,751 and Smithies hereinafter), in view of Moussa et al., (U.S. Patent No. 5,680,470 and Moussa hereinafter).

Regarding claims 1 and 5, Smithies discloses a data receiving device for accepting user indicia of authorization on a computer network having a user computer (col. 5, lines 29-35 and col. 17, lines 48-57), wherein the user computer includes a display device and a pointer that defines locations on the display device (col. 4, lines 30-41), comprising:

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an input device, wherein the input device is configured to control the pointer in the computer and configured to move the pointer in a continuous path on the display device (col. 4, lines 15-41), computer, and a data processor, the data processor further comprising:

a software applet, wherein the software applet configures an input pad comprising a data receiving region, the data receiving region being defined by a matrix grid (col. 12, lines 37-67 and col. 13, lines 1-10 and col. 21, lines 55-67) ; and

a storage database (col. 8, lines 42-67), and a processing script, wherein the processing script receives the processed input user indicia and stores the user indicia in the storage database (col. 16, lines 62-67 and col. 17, lines 1-67).

Smithies discloses a system for capturing and verifying a handwritten signature wherein the signature capture module 4 analyzes the captured pen data and records certain measurements in form of a signature envelope to be verified against a template when the template is in enrolled condition. Smithies further discloses that because over the course of time an individual's signature will undergo gradual change, Smithies invention will in certain circumstances "**bend**" the signature envelope in favor of consistent variations in the behavior of signatory. This "bending" takes place subject to certain internal checks, and may optionally be suppressed by the client application (i.e., the "bending" is equivalent to applying the fitting algorithm to smooth user indicia input into the input pad as the Applicant defines it in the last paragraph of page 4 of the specification)(col. 15, lines 24-30).

Moreover, Moussa discloses a fitting algorithm, wherein the fitting algorithm is configured to smooth user indicia input into the input pad (col. 4, lines 45-67 and col. 5, lines 1-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Smithies with teachings of Moussa because it would allow to expressly include a fitting algorithm, wherein the fitting algorithm is configured to smooth user indicia input into the input pad as suggested by Moussa. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Moussa to avoid costly human review of the signature and provide a method of automated signature verification (Moussa, col. 1, lines 35-41).

Regarding claims 2 and 7, Smithies discloses a data receiving device as claimed in claim 1, wherein the software applet is configured to receive input data from the input device (col. 12, lines 37-67 and col. 13, lines 1-10).

Regarding claims 3 and 8, Smithies discloses a data receiving device as claimed in claims 2 and 7, wherein the input data is a handwritten signature (col. 3, lines 45-50).

Regarding claim 4, Smithies discloses a data receiving device as claimed in claim 1, wherein the structure of the matrix grid is defined by pixel coordinates (col. 21, lines 55-67).

Regarding claim 6, Smithies discloses a system as claimed in claim 5, further comprising a data retrieval mechanism (col. 18, lines 9-65).

Regarding claim 12, Smithies discloses a data receiving device as claimed in claim 4, wherein the user indicia is defined by the value of the pixel coordinates upon which the user indicia is deposited in the data receiving region (col. 12, lines 37-67 and col. 13, lines 1-10 and col. 21, lines 55-67).

Regarding claim 13, Smithies disclosure can be used as part of a security program to allow a user access to a computer network (i.e., Internet), as part of a word processing program or as part of an email program or in general any client program (Figure 3 and col. 5, lines 54-65).

Regarding claim 14, Smithies discloses a data-receiving device as claimed in claim 1, further comprising a data retrieval mechanism, wherein the data retrieval mechanism is configured to restrict access to the storage database (col. 18, lines 9-65).

Regarding claim 15, Smithies discloses a data receiving device as claimed in claim 1, wherein the input device further comprises an entry member, wherein the depression of the entry member activates the data input capability of the input device (col. 4, lines 4-41).

Regarding claim 16, Smithies discloses a system as claimed in claim 5, further comprising a participant computer, wherein the participant computer is assigned a participant code and a data retrieval mechanism (i.e., the database uses the concept of a person object to represent the template together with the unique identifying information)(col. 18, lines 1-67).

Regarding claim 17, Smithies discloses a system as claimed in claim 16, wherein the data retrieval mechanism is configured to restrict the access of the participant computer to the user indicia stored in the storage database which is associated with the participant code (col. 18, lines 1-67).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.
Patent Examiner
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Dec. 5, 2006


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